



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,521	01/09/2006	Jun Hirano	L9289.04191	7130
52989	7590	09/24/2009		
Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER ANWAR, MOHAMMAD S	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 09/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,521

Applicant(s)

HIRANO ET AL.

Examiner

MOHAMMAD ANWAR

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 6/19/09 have been fully considered but they are not persuasive. Please see response below:

In regards to applicant remarks, Even if it were assumed *arguendo* that Koo may disclose adding a retransmission frame when a NACK is received, as proposed in the Office Action, Koo does not disclose carrying out a retransmission in an intermittent communication mode, upon receiving a NACK signal, as recited in the applicants' claim 24 (see newly cited reference Kohno et al.).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shohara et al. (U.S. Patent No. 6,804,503 B2) in view of Kohno et al. (U.S. Patent No. 7,502,818 B2).

For claim 24, Shohara et al. disclose transmitting, by a communication terminal accommodation apparatus, a signal to allow intermittent communication, to a communication terminal apparatus (see column 7 lines 21-23, mode control logic); upon receiving the signal to allow intermittent communication, entering, by the communication terminal apparatus, an intermittent communication mode, and performing data communication in the intermittent communication mode only in a period to carrying out data communication (see column 10 lines 40-42, column 11 lines 39-57, column 15 lines 46-48, where a scheduler schedules the time of events and sleep mode and switching back and forth). Shohara et al. disclose all the subject matter but fails to mention upon receiving a negative acknowledgment (NACK) signal from the communication terminal accommodation apparatus, performing, by the communication

terminal apparatus, a retransmission in the intermittent communication mode. However, Kohno et al. from a similar field of endeavor disclose upon receiving a negative acknowledgment (NACK) signal from the communication terminal accommodation apparatus, performing, by the communication terminal apparatus, a retransmission in the intermittent communication mode (see column 24 lines 36-39). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Kohno et al. retransmission scheme into Shohara et al. intermittent transmission scheme. The method can be implemented in a frame. The motivation of doing this is to detect and control data loss (see column 2 lines 60-65).

For claims 25 and 27, Shohara et al. disclose wherein, in the intermittent communication mode, the communication terminal apparatus receives control channel signals on a regular basis (see column 11 lines 29-35, control scheduled messages).

For Claim 26, Shohara et al. disclose a radio reception section that receives a signal to allow intermittent communication, from a communication terminal accommodation apparatus (see Figure 1, 26, intermittent communication device) ; a control section that enters an intermittent communication mode upon receiving the signal (see column 7 lines 8--11); and a radio communication section that carries out data communication in the intermittent communication mode only in a period for carrying out data communication (see column 11 lines 38-43, column 7 lines 8-11, active or sleep mode at specified event times),. Shohara et al. disclose all the subject matter but fails to mention wherein the radio communication section, upon receiving a

negative acknowledgment (NACK) signal from the communication terminal accommodation apparatus, carries out a retransmission in the intermittent communication mode. However, Kohno et al. from a similar field of endeavor disclose wherein the radio communication section, upon receiving a negative acknowledgment (NACK) signal from the communication terminal accommodation apparatus, carries out a retransmission in the intermittent communication mode (see column 24 lines 36-39). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Kohno et al. retransmission scheme into Shohara et al. intermittent transmission scheme. The method can be implemented in a frame. The motivation of doing this is to detect and control data loss (see column 2 lines 60-65).

For claim 28, Shohara et al. disclose the communication terminal apparatus comprises: a radio reception section that receives the signal to allow intermittent communication, from the communication terminal accommodation apparatus (see Figure 1), a control section that enters an intermittent communication mode upon receiving the signal(see column 7 lines 5-12); and a radio communication section that carries out data communication in the intermittent communication mode only in a period for carrying out data communication (see column 7 lines 10-11, specified event times). Shohara et al. disclose all the subject matter but fails to mention a transmission section that transmits a signal to allow intermittent communication and a negative acknowledgment (NACK) signal (see Figure 2, 201, a transmitter circuitry); the radio communication section, upon receiving the negative acknowledgment (NACK) signal from the communication terminal accommodation apparatus, carries out a

retransmission in the intermittent communication mode (see column 10 lines 44-47).

Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Kohno et al. retransmission scheme into Shohara et al. intermittent transmission scheme. The method can be implemented in a frame. The motivation of doing this is to detect and control data loss (see column 2 lines 60-65).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MOHAMMAD ANWAR** whose telephone number is

(571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR
Examiner
Art Unit 2416

/M. A./
Examiner, Art Unit 2416

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2416